

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

OSCAR HERRERA,

Plaintiff,

vs.

CASE NO. 1:24-cv-24960-JEM

COLE HAAN COMPANY STORE, LLC,
d/b/a COLE HAAN, a foreign limited
liability company,

Defendant.

**SECOND JOINT MOTION FOR EXTENSION OF TIME FOR
DEFENDANT TO RESPOND TO THE COMPLAINT WITH INCORPORATED
SUPPORTING MEMORANDUM OF LAW AND
ACCOMPANYING PROPOSED ORDER**

Plaintiff OSCAR HERRERA and Defendant COLE HAAN COMPANY STORE, LLC, d/b/a COLE HAAN, (collectively, the “Parties”) hereby move this honorable Court for a 21-day extension of time up to and including March 3, 2025, for Defendant to respond to Plaintiff’s Complaint. In support of this Motion, the Parties state as follows:

1. On December 18, 2024, Plaintiff filed the Complaint [ECF No. 1] seeking declaratory, injunctive, and other relief under Title III of the Americans with Disabilities Act (“ADA”).
2. Defendant was served with the Complaint and Summons on December 20, 2024 [ECF No. 4], making Defendant’s response to the Complaint due January 10, 2025.
3. On January 9, 2025, the Parties filed a Joint Motion for Extension of Time for Defendant to File a Response [ECF No. 6], which was granted by this Court on the same day [ECF No. 7] .
5. At this time, an additional extension is necessary and will promote judicial

economy for the following reasons: the Parties have commenced early settlement discussions, are exchanging experts' opinions and information regarding the Website, and believe that the requested extension would facilitate these discussions. Accordingly, there is good cause for a 21-day extension of time for Defendant's response deadline until March 3, 2025.

6. Pursuant to Federal Rule of Civil Procedure 4(b)(1)(A), the Court "may, for good cause shown, extend the time" for an act to occur – in this case, the time for Defendant to respond to the Complaint – "with or without motion or notice if the [C]ourt acts, or if a request is made, before the original time ... expires." Granting the extension of time prior to the due date is left to the Court's exercise of its sound discretion. *Ritter v. Smith*, 811 F.2d 1398, 1403 (11th Cir. 1987) ("Fed.R.Civ.P. 6(b)(1) gives the district court discretion to enlarge time periods if done prior to the expiration of the original time period."). Here, the time for Defendant has not expired and good cause has been shown, as set forth in the preceding paragraph, for the Court to extend the time for Defendant to formally respond to the Complaint.

7. This Motion is being filed in good faith and not for purposes of delay, and neither the Parties nor the Court will be prejudiced should the Court grant the requested extension.

WHEREFORE, the Parties respectfully request that this Motion be granted, and that Defendant be given until March 3, 2025, to respond to the Complaint.

Respectfully submitted,

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By s/ Roderick V. Hannah

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By /s/ Nicholas J. Secco
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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that the foregoing document is being served this day on all counsel and parties of record via transmission of Notices of Electronic Filing generated by CM/ECF.

By /s/ Nicholas J. Secco
NICHOLAS J. SECCO
Fla. Bar No. 110091

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**[PROPOSED] ORDER GRANTING JOINT MOTION FOR
EXTENSION OF TIME FOR DEFENDANT
TO RESPOND TO THE COMPLAINT**

This matter came before the Court upon Plaintiff OSCAR HERRERA and Defendant COLE HAAN COMPANY STORE, LLC, d/b/a COLE HAAN's Joint Motion for Extension of Time for Defendant to Respond to the Complaint. After consideration of the foregoing, this Court finds that the Motion is well-taken and is hereby granted. The deadline for Defendant to respond to the Complaint is extended up to and including March 3, 2025.

IT IS SO ORDERED.

Date: _____

HON. JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE